

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Nancy Gambino

Docket Number: 01-00663-001

PACTS Number: 30801

Name of Sentencing Judicial Officer: HONORABLE Dennis M. Cavanaugh

Date of Original Sentence: 07/31/2002

Original Offense: Controlled Sub-Importation/Exportation

Original Sentence: 48 months imprisonment; 3 years supervised release. Drug treatment or urinalysis; financial disclosure; mental health treatment; new debt.

Type of Supervision: Supervised Release

Date Supervision Commenced: 11/09/2005

Assistant U.S. Attorney: Matt Boxer, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: Kevin Carlucci, 972 Broad Street, 2nd Floor, Newark, New Jersey 07102, (973) 645-6347

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 The offender has violated the supervision condition which states '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

Gambino used a controlled substance, to wit, cocaine. On February 20, 2008, and March 13, 2008, the offender was drug tested via sweat patch at the United States Probation Department. The aforementioned specimens returned from Scientific Testing Laboratories positive for cocaine.

- 2 The offender has violated the supervision condition which states '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further**

ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'

Gambino failed to abide by Court-ordered treatment in that she failed to comply with outpatient substance abuse treatment services. Pursuant to the offender's special condition and due to her continued drug use, she was referred to outpatient substance abuse drug treatment at Daytop Village on January 4, 2008. The offender stalled the intake process and to date has not attended one counseling session. As per Daytop Village, due to her lack of attendance, she is in the process of being discharged.

- 3 **The offender has violated the supervision condition which states 'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

Gambino failed to abide by Court-ordered treatment in that the offender failed to comply with inpatient long-term substance abuse treatment. On April 18, 2008, due to the offender's continued drug use and failure to comply with outpatient substance abuse treatment, she was given one last opportunity to ameliorate her supervision standing by attending inpatient long-term drug treatment. Gambino refused to comply and stated she would rather go back to prison than attend treatment.

- 4 **The offender has violated the supervision condition which states 'The defendant is to be confined to her residence for a period of 5 months commencing at the direction of the U.S. Probation Office. The defendant shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures. The defendant shall permit the probation officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. The defendant shall comply with any other specific conditions of home confinement as the probation officer requires. The defendant shall pay the costs of electronic monitoring, specifically \$3.18 per day.'**

Gambino failed to abide by Court-ordered Home Confinement with Electronic Monitoring for five (5) months. On March 13, 2008, the offender commenced the Home Confinement/Electric Monitoring portion of her sentence. Less than a month later, alerts were received from the monitoring company which was reflective of potential tampering with the electronic monitoring device attached to the offender's ankle. On April 18, 2008, the offender confessed that she had tampered with the ankle monitoring system.

- 5 **The offender has violated the supervision condition which states 'You shall**

report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.'

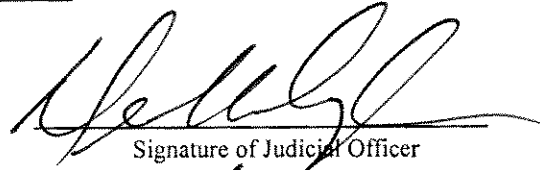
Gambino failed to report to the probation officer as directed on February 27, 2008, March 20, 2008, and March 24, 2008. Despite being instructed to report on the above mentioned dates, the offender failed to report.

I declare under penalty of perjury that the foregoing is true and correct.

By: Susan Karlak
U.S. Probation Officer
Date: 7/28/08 702

THE COURT ORDERS:

- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons. Date of Hearing: 22 SEPT. 2008 AT 9:30 A.M.
- ☐ No Action
- ☐ Other


Signature of Judicial Officer
8/11/08
Date